

POLI

Municipal ordinances must yield to national law. Otherwise, they are invalid. — *Municipality of Tupi v. Faustino* (2019)

CIV

A surety's liability is joint and solidary with the principal debtor, and the creditor may directly sue the surety without first exhausting remedies against the principal. — *Subic Bay Distribution, Inc. v. Western Guaranty Corp.* (2021)

CRIM

Strict compliance with the chain of custody rule is indispensable to preserve the integrity of seized drugs; unjustified lapses break the chain and warrant acquittal. — *People v. Garcia y Ancheta* (2019)

REM

An accused cannot be convicted of an offense different from what is charged in the Information, as this violates the constitutional right to be informed of the accusation. — *Pineda v. People* (2023)

1

Republic Act (RA) 4136 sets maximum speed limits based on road classification, considering use and traffic conditions: 80 kph on open country roads, 40 kph on boulevards, 30 kph on city and municipal streets, and 20 kph on crowded streets. Under the law, local governments must classify roads, post appropriate traffic signs, and secure LTO approval. They are also prohibited from enacting ordinances setting different speed limits. The Municipality of San Mateo enacted a Speed Limit Ordinance imposing a maximum of 80 and 40 kph for vehicles traversing the accident-prone Katipunan Crossing and Bayanihan Crossing, respectively. Joel, a delivery driver, was fined for overspeeding. He questioned the ordinance's validity, citing a lack of proper road classification, visible signage, and LTO approval. **Is the Ordinance valid?**

Suggested answer: No. The Ordinance is not valid.

In *Municipality of Tupi v. Faustino*, the Supreme Court held that municipal ordinances are subordinate to national laws and must yield in case of conflict. San Mateo's Speed Limit Ordinance conflicts with RA 4136, which prohibits LGUs from setting speed limits other than those prescribed by the law. The municipality also failed to classify its roads based on the law's standards, post the required signage, or obtain LTO approval. Without these prerequisites, the ordinance is inconsistent with RA 4136 and thus invalid.

2

Alpha Trading Corp. sold petroleum to Delta Sales, Inc. under a Distributor Agreement. To secure its obligations, Delta obtained an ₱8.5 million surety bond from Beta Guaranty Corp. Delta later defaulted, and Alpha demanded payment from both Delta and Beta. When Delta failed to pay, Alpha sued Beta Guaranty for the full amount of the bond. Beta countered that Alpha and Delta colluded to collect on the bond, as Alpha did not include Delta as a party defendant, even though the latter is the principal debtor. **As the judge, how would you rule?**

Suggested answer: As the judge, I will give due course to Alpha's complaint

In *Subic Bay Distribution v. Western Guaranty*, the Supreme Court ruled that the liability of the surety is joint and solidary with that of the principal debtor, and the creditor may proceed against the surety alone, without first exhausting remedies against the latter. Even though the contract of a surety is secondary to the principal obligation, the surety becomes directly liable for the debt. Thus, Alpha's complaint may be given due course, even without impleading the principal debtor, Delta.

3

During a buy-bust operation, Henrick was apprehended for allegedly selling a sachet of shabu to a poseur-buyer. PO3 Gutierrez placed the seized item in his pocket. It was marked, inventoried, and photographed approximately 10 minutes later, when the media representative and Punong Barangay arrived at the scene of the arrest. The sachet was then submitted to the Regional Crime Laboratory Office for examination. Henrick was convicted based on the testimony of prosecution witnesses, which established the foregoing facts.

Was the conviction proper?

Suggested answer: No. The conviction was not proper.

In *People v. Garcia*, the Supreme Court stressed that strict compliance with the chain of custody rule is essential to preserve the integrity of seized drugs. Marking, inventory, and photographing must be done immediately after seizure and witnessed by the DOJ and media representatives, and an elected public official. Any deviation must be sufficiently justified. Here, the absence of a DOJ representative and the delayed marking without sufficient explanation broke the chain of custody. There is also no evidence on how the forensic chemist handled the specimen during examination and how the evidence custodian preserved it thereafter. Since the prosecution failed to establish the corpus delicti, Henrick should be acquitted.

4

PO1 Dela Peña was charged with Conniving with or Consenting to Evasion under Article 223 of the Revised Penal Code after a detainee escaped during hospital confinement. The Information alleged he "willfully, unlawfully, and with grave abuse and infidelity, caused the escape" by leaving his post for hours, which gave the detainee the chance to flee. He was convicted of Evasion through Negligence under Article 224. **Was the conviction proper?**

Suggested answer: No. The conviction was not proper.

In *Pineda v. People*, the Supreme Court ruled that an accused has the constitutional right to be informed of the nature and cause of the accusation, which requires that the Information fully allege all essential elements of the crime charged. In this case, while the Information was captioned under Article 223, it failed to allege connivance or consent, an essential element of that crime, and did not allege negligence, which is central to a charge under Article 224. Moreover, Articles 223 and 224 define distinct offenses; one does not necessarily include the other. Convicting the accused of a different crime than that charged violates due process. Thus, PO1 Dela Peña should be acquitted.